

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION No. 04-11492-REK

MARIO LACY,
Plaintiff,

v.

CITY OF BOSTON, WILLIAM
FEENEY, KENNETH HEARNS
and MARC ACLOQUE (sic),
Defendants.

WAIVER OF SERVICE OF SUMMONS

TO: Jessica Hedges
Hrones Garrity & Hedges LLP
Lewis Wharf, Bay 232
Boston, MA 02110-3927


I acknowledge receipt of your request that I waive service of a summons on behalf of **Detective Jean Moise Acloque** in the action of Mario Lacy v. City of Boston, et al, which is case number 04-11492REK in the United States District Court for the District of Massachusetts. I have received a copy of the complaint in this action.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be serviced with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except of objections based on a defect in the summons or in the service of the summons.

I understand that a Judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you by November 30, 2005.

Date: 11/21/05


Karen A. Glasgow BBO # 648688
James M. Chernetsky BBO #638152
Assistant Corporation Counsel
City of Boston Law Department
Room 615, City Hall
Boston, MA 02201
(617) 635-3238

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waive service must within the time specified on the waive form serve on the plaintiff's attorney a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually serviced when the request for waiver of service was received.